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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,518	10/24/2000	Christian Volf Olgaard	68139769-200300	3116

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WILDMAN HARROLD ALLEN & DIXON
225 WEST WACKER DRIVE, SUITE 2800
CHICAGO, IL 60606

EXAMINER

MANIWANG, JOSEPH R

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/695,518

Applicant(s)

OLGAARD ET AL.

Examiner

Joseph R. Maniwang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/04/05 has been entered.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 17-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. "A computer program product for utilizing an interface client in an interface roaming network, comprising: (a) computer code for submitting...; (b) computer code for receiving...; (c) computer code for displaying..." is non-statutory, since it is not tangibly embodied in a manner so as to be executable as the only hardware is in an intended use statement. This is true even if the submitting,

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receiving, and displaying includes hardware, since it is the intent of the execution of the system and not the system itself that includes such hardware.

Claim Rejections - 35 USC § 102

5. Claims 1-6, 8-14, and 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi (U.S. Pat. No. 6,633,759).

6. Regarding claims 1, 9, and 17, Kobayashi disclosed a method comprising submitting information about an interface client along a first wireless communication path to a wireless device in proximity of the interface client (see column 9, lines 40-45; column 13, lines 7-17); receiving content along a second wireless communication path from a remote source and conveying the content via the wireless device to the interface client along the first wireless communication path (see column 5, lines 3-14; column 13, line 62 through column 14, line 6; column 2, lines 37-39; column 4, lines 30-31); and displaying the content on a display of the interface client (see column 2, lines 39-40; column 4, line 32; column 13, lines 14-17; column 14, lines 9-11). Kobayashi disclosed a system comprising an interface client adapted for submitting information about the interface client (see column 4, line 21) along a first wireless communication path (see column 4, lines 24-25) to a wireless device (see column 4, line 23) in proximity of the interface client, the interface client having a displaying adapted for displaying content received by the interface client along the first wireless communication path (see column 4, lines 30-32); and the wireless device, adapted for receiving along the first wireless communication path the interface client information (see column 9, lines 40-49),

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receiving the content along a second wireless communication path from a remote source (see column 4, lines 39-47) and conveying the content to the interface client along the first wireless communication path (see column 4, lines 30-32).

7. Regarding claims 2 and 10, Kobayashi disclosed receiving a signal from the wireless device when the wireless device is in proximity of the interface client prior to submitting the information about the interface client to the wireless device (see column 9, lines 34-36; column 12, lines 8-10, 54-60).

8. Regarding claims 3 and 11, Kobayashi disclosed the signal from the wireless device transmitted from the wireless device in response to a prior signal transmitted from the interface client (see column 2, lines 35-37; column 9, lines 27-28; column 12, lines 1-2, 52-53).

9. Regarding claims 4 and 12, Kobayashi disclosed the signal from the wireless device including information identifying a user of the wireless device (see column 9, lines 34-36).

10. Regarding claims 5, 13, and 18, Kobayashi disclosed the information about the interface client including information about the capabilities of the interface client (see column 9, lines 40-45) and information about an input device of the interface client (see column 12, lines 25-27; column 13, lines 7-17).

11. Regarding claims 6, 14, and 19, Kobayashi disclosed the remote source as a server (see column 4, lines 44-47).

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12. Regarding claims 8, 16, and 20, Kobayashi disclosed the content formatted based on the submitted information about the interface client (see column 12, lines 22-32).

Response to Arguments

13. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

14. Examiner submits that the limitations of the newly amended claims are taught by the prior art of record as detailed in the above rejection under 35 U.S.C. 102(e).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Halverson et al. (U.S. Pat. No. 6,757,718)

Wang (U.S. Pat. No. 6,175,922)

Olgaard et al. (U.S. Pat. No. 6,542,740)

Brunner (U.S. Pat. No. 6,298,234)

Khan et al. (U.S. Pat. No. 6,400,954)

Narayanaswami et al. (U.S. Pat. No. 6,477,117)

Puthuff (U.S. Pat. No. 6,112,103)

Schillaci et al. (U.S. Pat. No. 5,703,929)

Sone (U.S. Pat. No. 6,826,554)

Roman et al. (U.S. Pat. No. 6,621,413)

Tso et al. (U.S. Pat. No. 6,421,733)

Birgerson (U.S. Pat. No. 6,138,009)

Gatter (DE 10049291 A1)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R. Maniwang whose telephone number is (571) 272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100